

OPENING REMARKS

Good Morning, to Chairman Looney, Chairwoman Janowski, Senator Fasano, Representative Piscopo and to all the honorable members of the Executive and Legislative Nominations Committee.

My name is Michele Mount and I am a nominee for re-appointment as a Human Rights Referee for the Commission on Human Rights and Opportunities.

I would like to thank Governor Malloy for my re-nomination and the members of this committee for considering my re-appointment. The past 2½ years have been a tremendous opportunity to serve the citizens of the State of Connecticut. I feel honored to be a referee, safeguarding the rights of the parties accorded to them by the law. As I have been through this process before and you all should have a copy of my resume, I would like to focus my comments on my observations during my time serving as a Human Rights Referee.

Adjudication is about impartially hearing and determining facts then applying the law correctly and fairly for all parties. What I have learned during my tenure as a referee is that, unfortunately, discrimination is still alive and well in Connecticut. All types of discrimination based on protected classes, such as age, race, sex, nationality, and disability are filed every day. There is also, a vast spectrum regarding the seriousness of the cases we hear. Some cases are dismissed based on lack of jurisdiction or failure to state a claim for which relief can be granted; others involve serious allegations that require a lengthy hearing process if the case is not settled.

We carry heavy caseloads of over 40 files and with more arriving each day. We also are presiding referees in whistle-blower retaliation cases. In addition to public hearings, writing decisions and pre-hearing motions, we also act as settlement referees for those case that are assigned to other presiding referees. Our final decisions, if appealed, go directly to the Superior Court for appellate review.

Settlement conferences are an extremely important part of the hearing process. First, the practical aspects are that it saves taxpayers money by cutting down on costly transcripts. Further, the more rapidly cases that are dual-filed with EEOC and the CHRO are closed, the higher the reimbursements to the CHRO from the federal government. Additionally, the costs and fees of all the parties involved are reduced.

Second and most importantly, settlements allow cases to move quickly and efficiently with an outcome that is acceptable to both parties. Settlements allow parties the opportunity to tell their side of the story to a referee and know that they were heard. Parties are given more information about the process that lies ahead and the likelihood of success at a public hearing. Creative remedies that benefit both sides of a case can be employed to help the settlement process, in addition to, or as an alternative to, remedies available at trial. Further, if successful, the outcome is acceptable to both parties and allows closure for both parties involved.

Our procedures do not allow a presiding referee to serve as their own settlement referee, which is why it is critical to have at least three referees. Occasionally, a referee is conflicted out of case which leaves the other two referees to be either the presiding referee or the settlement referee.

Being a referee has allowed me to grow as a person, deepen my understanding of the law and to serve the public in a very meaningful way. I am very grateful to be re-nominated. However, I look forward to a time when my role becomes less necessary due to an increased understanding of discrimination law. Thank you again for giving me the opportunity to perform a critical service to our state and citizens in addressing discrimination.